

## **REMARKS**

Applicant is in receipt of the Office Action mailed October 5, 2004. Claims 1-52 remain pending in the Application. Further consideration of the present case is earnestly requested in light of the following remarks.

### **§103 Rejections**

Claims 1-52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (U.S. Patent No. 6,553,431, hereinafter "Yamamoto") in view of Hennum et al. (U.S. Patent No. 6,259,445, hereinafter "Hennum"). This rejection is respectfully traversed.

Applicant respectfully submits that Examiner has not established a case of *prima facie* obviousness to reject claims 1-52. As Examiner is certainly aware, "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974)," MPEP §2143.03.

Neither Yamamoto nor Hennum teaches or suggests ". . .displaying on the display screen of the computer a first hardware device node in the graphical program in response to user input, wherein the graphical program comprises a plurality of interconnected nodes or icons, wherein the plurality of interconnected nodes or icons visually indicate functionality of the graphical program. . .*(emphasis added)*" and ". . .wherein the graphical program is executable by the computer *(emphasis added)*" as recited by claim 1.

Rather, Hennum teaches source code is text-based. This is illustrated in Hennum's Figure 19. Furthermore, Hennum teaches parsing the text of the source code: "First, the source code 400 is processed by two different scripts 407--a PERL script (Practical Extraction and Report Language, a general purpose interpreted language often used for parsing text). . ." (Hennum col. 12, lines 23-26) *(emphasis added)*.

Applicant respectfully submits that even if Hennum teaches that the text-based source code is executable, Hennum nowhere teaches or suggests “. . .wherein the graphical program comprises a plurality of interconnected nodes or icons, wherein the plurality of interconnected nodes or icons visually indicate functionality of the graphical program. . .” and “. . .wherein the graphical program is executable by the computer (*emphasis added*)” as recited by claim 1. Neither Yamamoto nor Hennum teach or suggest this combination of features. Thus, Applicant respectfully submits that claim 1 is patentably distinguished and nonobvious over both Yamamoto and Hennum, taken both singly and in combination.

Furthermore, Applicant respectfully submits that neither Yamamoto nor Hennum teaches or suggests “. . .propagating information from the first hardware device node to the second hardware device node, wherein the information specifies the hardware device with which the first hardware device node is associated, wherein said propagating occurs in response to said connecting the first hardware device node to the second hardware device node. . .(*emphasis added*)” as recited by claim 1.

Rather, Yamamoto teaches that a user sets up a scanner device with a console of the scanner device (Yamamoto col. 9, lines 7-19). A profile of the scanner device is, then, transmitted to a file server (Yamamoto col. 9, lines 22-23). The user can virtually connect an input device such as the scanner device with an output device to create a “virtual connection” (Yamamoto col. 10, lines 39-49). Instead of propagating information from an input device to an output device or from the icon representing the input device to the icon representing the output device, Yamamoto teaches that this “virtual connection” allows a configuration profile to be created which includes network addresses, device identifications, transfer protocol names, data processing resolution, paper size, and data format (Yamamoto col. 11, 12-29). Thus, this “virtual connection” does not cause data to be propagated from one device of the “virtual connection” to another device of the “virtual connection”. Then the configuration profile or “transfer profile” is transferred to the file server (Yamamoto col. 11, lines 30-33). After the configuration profile or “transfer profile” is transferred to the file server, the user can

select the configuration profile or “transfer profile” using the console of the scanning device (Yamamoto col. 11, lines 55-61). Then the scanning device retrieves the configuration profile or “transfer profile” information (e.g., network addresses, device identifications, transfer protocol names, data processing resolution, paper size, and data format) from the file server. Then the scanning device determines if one or more output devices in the configuration profile or “transfer profile” are available (Yamamoto col. 12, lines 23-27). If the one or more output devices are available, then the scanning device is set to various information of the configuration profile or “transfer profile” (e.g., data processing resolution, paper size, data format, etc.) (Yamamoto col. 12, lines 28-31). Then the scanning device scans the image (Yamamoto col. 12, lines 31-33) and transmits the image data directly through a local area network to an output device (Yamamoto col. 12, lines 35-40).

In contrast, Applicant’s invention as recited in claim 1 includes in pertinent part, “. . .propagating information from the first hardware device node to the second hardware device node, wherein the information specifies the hardware device with which the first hardware device node is associated, wherein said propagating occurs in response to said connecting the first hardware device node to the second hardware device node. . .*(emphasis added)*”. Neither Yamamoto nor Hennum teaches or suggests this feature. Thus, Applicant respectfully submits that claim 1 is patentably distinguished over both Yamamoto and Hennum, taken both singly and in combination.

Examiner asserts in the Office Action, “It would have been obvious to an artisan at the time of the invention to include Hennum et al.’s teaching with method of Yamamoto in order allow user [sic] to store a sequence of commands to be performed.” However, Applicant respectfully submits that Yamamoto teaches creating a configuration profile which includes network addresses, device identifications, transfer protocol names, data processing resolution, paper size, and data format (Yamamoto col. 11, 12-29). Thus, Applicant respectfully submits that, even if Yamamoto could be modified or combined, modifying Yamamoto or combining Yamamoto to include the teachings of Hennum would “change the principle of operation” of Yamamoto. As stated in the MPEP

§2143.01 “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti* , 270 F.2d 810, 123 USPQ 349 (CCPA 1959). . .” (*emphasis added*).

Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 1 and those dependent therefrom are allowable.

Claim 18 includes limitations similar to Claim 1, and so the arguments presented above apply with equal force to Claim 18, as well. Applicant respectfully submits that for at least one or more reasons presented herein, Claim 18 and those dependent therefrom are allowable.

Claim 32 includes limitations similar to Claim 1, and so the arguments presented above apply with equal force to Claim 32, as well. Applicant respectfully submits that for at least one or more reasons presented herein, Claim 32 and those dependent therefrom are allowable.

Applicant’s invention as recited in claim 10 includes in pertinent part, “. . .selecting a method or property of the first hardware device class for the first hardware device node in response to user input. . .” Yamamoto nor Hennum nowhere teaches or suggests this feature. Examiner relies on Yamamoto to teach this feature; however, Examiner cites no column or figure in Yamamoto teaching or disclosing this feature. Applicant respectfully notes MPEP 707.07(d) which requires that, in an Examiner’s Action, the ground of rejection, should be “fully and clearly stated”. Applicant respectfully submits that Examiner should provide “fully and clearly stated” evidence which is sufficient to reject claim 10 or withdraw the rejection of claim 10.

Claim 10 includes limitations similar to Claim 1, and so the arguments presented above apply with equal force to Claim 10, as well.

Applicant respectfully submits that, at least for one or more reasons presented herein, Claim 10 is patentably distinguished and nonobvious over Yamamoto and Hennum, taken both singly and in combination. Accordingly, Applicant respectfully submits Claim 10 and those dependent therefrom are allowable.

Claim 26 includes limitations similar to Claim 1, and so the arguments presented above apply with equal force to Claim 26, as well. Claim 26 includes limitations similar to Claim 10, and so the arguments presented above apply with equal force to Claim 26, as well. Applicant respectfully submits that for at least one or more reasons presented herein, Claim 26 and those dependent therefrom are allowable.

Claim 39 includes limitations similar to Claim 1, and so the arguments presented above apply with equal force to Claim 39, as well. Claim 39 includes limitations similar to Claim 10, and so the arguments presented above apply with equal force to Claim 39, as well. Applicant respectfully submits that for at least one or more reasons presented herein, Claim 39 and those dependent therefrom are allowable.

Applicant also respectfully submits that there is no teaching, suggestion, or motivation to combine Yamamoto and Hennum in either of the references or in the prior art. As held by the U.S. Court of Appeals for the Federal Circuit in *Ecolochem Inc. v. Southern California Edison Co.*, an obviousness claim that lacks evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. Furthermore, Applicant respectfully submits that it is nonobvious to combine Yamamoto and Hennum.

Furthermore, the showing of a suggestion, teaching, or motivation to combine prior teachings “must be clear and particular. . .Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence’.” *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to

make the combination. Applicant respectfully submits that there is no suggestion in the prior art for combining Yamamoto and Hennum, and that even were the two references combined, they would not produce the features of claims 1-52, as argued above.

Removal of the §103 rejections is respectfully requested.

## CONCLUSION

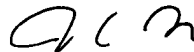
Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-52100/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



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Jeffrey C. Hood  
Reg. No. 35,198  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800  
Date: 1/5/2005 JCH/MSW/IMF